THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.1220 OF 2006

DATED: 27-03-2006

BETWEEN:

Nizam Deccan Sugars Limited

Petitioner

And

The Commissioner & Director of Sugar and Cane Commissioner,A.P.Hyderabad and others

Respondents

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.1220 OF 2006

ORDER:

It is the case of the petitioner that as per the notification issued by the Commissioner and Director of Sugar and Cane Commissioner, Andhra Pradesh, Hyderabad in Rc.No.C1/001/2004 dated 10-03-2005, exercising the powers under Section 15 of the A.P.Sugarcane (RS & P) Act,1961 as amended by A.P.Act 25 of 1976, ordered for transferring the entire erstwhile zone of M/s.Nizam Sugar Factory,Shakarnagar with a total of 152 villages in 7 Mandals of Nizamabad District to M/s.Nizam Deccan Sugars Limited, the petitioner herein and the said villages come within the zone of the petitioner and therefore, the petitioner is alone is entitled to purchase the Sugarcane from the agriculturists within the zone declared by the first respondent on payment of price fixed to the farmers.

It is stated that the petitioner has entered into an agreement with certain agriculturalists but the agriculturalists contrary to the agreement and the said notification selling Sugarcane outside the State. The petitioner also addressed letter dated 30th November,2005 to the Assistant Cane Commissioner, Bodhan for arranging check posts to prevent cane diversion during the season 2005-2006 to Maharastra factories. Pursuant to the said representation, the Assistant Cane Commissioner, Bodhan, addressed a letter to the Chairman and Managing Director,Jai Ambika SSK Ltd., Mohannagar, Kuntur,Naigoan, Nanded District of Maharashtra State instructing the said factory not to enter into the zone areas of Nizamabad District Sugar Factories for drawing the cane illegally. It is further stated that the Assistant Cane Commissioner addressed a letter to the petitioner stating that it is the look out of the petitioner factory and its field officers to be vigilant on

illegal cane harvesting to divert the cane to Maharastra State. If any cane is harvesting for illegal diversion, such cases should be informed to the Assistant Cane Commissioner, Bodhan for arresting the diversion .

The learned counsel appearing for the respondents 1,3 and 4 submits that all necessary steps have been taken to prevent the illegal transportation of the Sugarcane but however, no complaints have been received. The petitioner seeks a Writ of Mandamus directing the Police officials also to prevent the illegal transportation of Sugarcane from the villages of Bodhan Mandal in Nizamabad District to outside the State of Andhra Pradesh.

In the absence of any representation or complaint filed by the petitioner, I am of the opinion that no Writ of Mandamus can be issued to the Police authorities.

In view of the steps taken by the Sugarcane authorities to prevent the illegal transportation of the Sugarcane, I am of the view that no further direction can be issued and the writ petition is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

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V.ESWARAIAH,J

27-03-2006

Stp